

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
Dallas Division**

CHARLENE CARTER, Plaintiff, v. SOUTHWEST AIRLINES CO., AND TRANSPORT WORKERS UNION OF AMERICA, LOCAL 556, Defendants.	Civil Case No. 3:17-cv-02278-X
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**[Proposed] Order Granting Plaintiff's Motion
to Address Defendants' Non-Compliance with Court Order**

Before the Court is Plaintiff Charlene Carter's Motion to Address Defendants' Non-Compliance with Court Order. After considering the Motion, the Court finds that Plaintiff's Motion should be granted for Defendants' failure to secure Brett Nevarez's attendance for his July 4, 2022 deposition, and the Court shall direct that certain facts be taken as established for purposes of this action.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Address Defendants' Non-Compliance with Court Order is hereby GRANTED. The Court hereby ORDERS that the following facts shall be taken as established:

- Local 556, by and through Executive Vice President Brett Nevarez, exhibited discriminatory animus towards Charlene Carter in 2013 for objecting to paying the union's political and ideological expenses.
- Local 556, by and through Executive Vice President Brett Nevarez, took steps to retaliate against Charlene Carter in 2014 after she made social media posts about exercising her RLA-protected rights to decertify Local 556.
- Local 556, by and through Executive Vice President Brett Nevarez, asked President Stone's supporters in her private Core Team Facebook Group to save social media

posts made by longtime President Stone-opponent and later recall supporter Chris Click, to use against him for discipline by Southwest.

- Local 556, by and through Executive Vice President Brett Nevarez, threatened nonmember objector and President Stone-opponent Mike Casper with retaliation for his union opposition speech, saying, “Leg breaking time for Casper the ghost scab.”
- Local 556, by and through Executive Vice President Brett Nevarez, supported and condoned repeated efforts by union actor Brian Talburt to pressure Southwest management to retaliate against and discipline recall leader Jeanna Jackson. Talburt copied Vice President Nevarez on his February 23, 2017, May 15-16, 2017, July 2, 2017 emails demanding that the company discipline Jackson for her recall activities.
- Local 556 Shop Steward Rickie Spand’s attempted to retaliate against and discipline recall leader Jeanna Jackson for her recall activities.
- Local 556 leaders engaged in a pattern of retaliatory acts against union opponents by collecting such opponents’ social media posts and providing them to Southwest so that Southwest would discipline or terminate those union opponents.

The Court further ORDERS that Southwest and Local 556 are disallowed from making any arguments regarding the picture of the t-shirt that says, “Fucktard” and “I Voted Brett Nevarez Cause he Respects me.” Finally, the Court ORDERS Southwest and Local 556, for fees and expenses incurred after the Court’s July 1, 2022 order, to pay Carter’s expenses in serving all subpoenas, witness fees, and court reporter and videographer fees and for reasonable attorney fees incurred in securing Nevarez’s appearance and preparing for and attending Nevarez’s deposition.

SIGNED on _____, 2022.

Brantley Starr
United States District Judge